

REMARKS

Restriction and Election

Applicants respectfully traverse the Restriction and Election as set forth in the February 22, 2006 Office Action.

In particular, Applicants note that the November 28, 2005 Response to the Restriction Requirement clearly elected those compounds wherein $G = G2$. Although the Examiner seems to have considered many of the substituents for R^2 , R^3 , R^4 , R^5 , and L_2 , the A Ring has been arbitrarily limited to only thienyl and phenyl. That is, rather than the clearly elected group being completely searched, those structures wherein ring A is a five membered heteroaryl ring other than thienyl and/or a six membered aromatic ring having one or two nitrogen atoms does not appear to have been searched at all. It also does not appear that the compounds having ring A optionally substituted with 1-3 R^7 groups have been considered. Applicants submit that all of those species wherein $G = G2$ should be examined based on the prior Restriction Requirement and response thereto. Applicants respectfully request that this Restriction be withdrawn at least for those cases when G is equal to G2 and a complete search should be carried out.

Furthermore, in extending the search of the subject matter of the application to those instances wherein $G = G3$, the Examiner has arbitrarily ended the search with those cases wherein L_3 is a direct link and R^{14} is hydrogen. Applicants note that nowhere in the August 26, 2005 Office Action was restriction required other than with respect to G1 or G2 or G3. The remaining groups were selected based on the elected species, and the election was not interpreted to or intended to limit the search in this way. Applicants submit that considering only a single value of L_3 and R^{14} is too limiting. Applicants did not request nor were they required to limit these groups to any specific species. If the Examiner has required selection of a single species of substituents, it should have been set forth in a subsequent Restriction Requirement. Treating the present Office Action as such a Restriction Requirement, Applicants have amended the claims to exclude the possibility of L_3 being a direct link and R^{14} being hydrogen. Accordingly, Applicants respectfully traverse the Restriction Requirement and request that all of those compounds where $G = G3$ be made part of the examined group and fully searched.

In conclusion, Applicants respectfully submit that the subject matter to be searched should include those cases where $G = G2$ or $G3$ and R^2-R^5 , L_2 , L_3 , R^{14} is any of the substituents listed in the claims. Applicants further submit that the groups to be searched should include all values of ring A as set forth in the claims. Applicants reserve the right to further traverse any more restrictive election that the Examiner asserts.

Claims Amendments

Applicants have amended the claims as follows: Claim 1 is amended to exclude those compounds where G is G1 as referred to with respect to the Restriction Requirement. Also consistent with the prior Restriction Requirement, claims 2-6 have been cancelled. Claim 1 has also been amended to provide that the group L_3-R^{14} is not hydrogen. Consistent with this Amendment, the definition of L_3 has been amended to exclude those alkylidene chains having zero carbons. This is consistent with the other Amendments to the definitions of L_3 and L_{14} . Applicants have also added new claims 33-35 specifically drawn to the elected species searched by the Examiner. Claims 15, 16, 18, 19 and 21 have been amended to exclude those compounds wherein L is L_1 , consistent with the amendment of claim 1. Claims 1 and 7-35 are pending; claims 23-32 are withdrawn, but may be rejoined if amended to require the limitations of an allowable compound claim.

Rejections under 35 U.S.C. §103(a)

Before remarking on the merits of the rejections under 34 U.S.C. §103(a), Applicants note the following irregularities and submit that the presence of these irregularities requires that any subsequent Office Action be non-final. First, claims 1 and 7 are indicated as being rejected under 35 U.S.C. §103(a) as obvious over U.S. 5,693,672 to Weichert et al. Among the reasons given for rejection of the claims, is that the structure listed in column 9, line 23 of Weichert is the structure shown on page 7 of the Office Action. However, Applicants note that the structure described at column 9, lines 23 of Weichert has the two phenyl rings connected by an ethynyl linkage, i.e. a linkage with two carbons joined by a triple bond. Moreover, on page 7 of the Office Action, it is stated that Weichert discloses structures wherein G is G3. This is correct; however, in claim 7, which was rejected over Weichert, $G = G2$. Thus, Applicants respectfully submit that claim 7 is allowable over the Weichert reference. Additionally, under the heading “*Dependent Claim Objections*” on page 7, the Office Action indicates that “claims 8-11-22 are [] objected to as being dependent upon a

rejected base claim.” First, claim 8 is dependent on claim 7 which, as set forth above, should be in condition for allowance. Furthermore, the referral to “claims 8-11-22” is unclear. Clarification is respectfully requested.

As to the substance of the rejection, Applicants have amended the claims to exclude the recitation of an unsubstituted guanidine. This amendment has been made to expedite prosecution without admitting or denying the reasons for rejection. Applicants specifically reserve the right to argue or present evidence that the original claims are non-obvious in view of the Weichert reference. Applicants respectfully submit that Weichert, which does not disclose any substitution on the guanidine group, does not render the claims as presently amended obvious. Accordingly, Applicants submit that the rejection should be withdrawn.

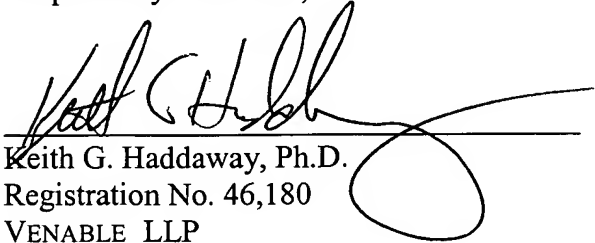
CONCLUSION

Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Respectfully submitted,

Dated:

22 August 2006


Keith G. Haddaway, Ph.D.
Registration No. 46,180
VENABLE LLP

P.O. Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 344-4000
Telefax: (202) 344-8300

::ODMA\PCDOCS\DC2DOCS1\770952\1